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UNCLAS SECTION 01 OF 03 MEXICO 003161

SENSITIVE

SIPDIS

DRL MLGA TO DEPUTY DIRECTOR SICADE, WHA FOR MEX DIRECTOR
LEE AND STAFF, IO/HR, PAUL KRUCHOWSKI, IO/UNP TO ANDREW
MORRISON, NEA/IPA TO JEFFREY GIAUQUE, AND USUN NEW YORK TO
ELLEN GERMAIN

E.O. 12958: N/A

TAGS: [MX](#) [PGOV](#) [PREL](#) [PHUM](#) [PTER](#) [KPAL](#) [ISPL](#) [PL](#)

SUBJECT: UN/MEXICO: GOM WILL SUPPORT ARAB PROPOSAL ON
GOLDSTONE WITH EU CHANGES

REF: A. STATE 112828

[B.](#) STATE 098567

[C.](#) USUN 0958

MEXICO 00003161 001.2 OF 003

[¶](#)1. Poloff delivered demarche points in reftel A, emphasizing that, while the USG fully supported full investigations of all allegations of human rights violations during the Gaza conflict, we could not support an unbalanced resolution that focused entirely on the actions of Israel. Poloff stressed that we also did not want to take further action on Gaza or the Goldstone report within the Security Council.

[¶](#)2. Fernando Gonzalez, Assistant Director General for the UN Security Council at the Mexican Secretariat for Foreign Relations, told Poloff that the GOM had also felt unable to support such a resolution until they saw the text that the Arab Group and OIC had proposed on November 2. The GOM felt that this language, unexpectedly, presented the Gaza issue in a relatively evenhanded way. With this draft text and the changes proposed by the Europeans, the GOM will likely support the resolution. For reference, a version of the 11/2 draft text Gonzalez provided to Poloff is available in para 4 below.

Gonzalez noted several examples of equilibrium in the text:

--As requested by the EU, the resolution condemns all targeting of civilians and civilian infrastructure and intuitions, including UN facilities.

--Paragraphs numbered 3 and 4 balance one another, one referencing actions that needed to be taken by the Israelis and one that needed to be taken by the Palestinians. Poloff pointed out that the para on Israel did not make note of the GOI's investigations into alleged violations, related to its own actions during the Gaza conflict.

[¶](#)3. Gonzalez agreed that not all of the 11/2 OIC/Arab Group's language is ideal. In paragraph 1, the European negotiators, with GOM support, have asked the Arab group to change the word "endorse" to "takes notes of." Gonzalez raised the fact that the three-month time limit for investigations highlighted in paragraph 3 and 4 seemed too short, and the GOM would prefer closer to six months. Poloff underscored

that, as the conflict is ongoing, a time limit for domestic inquiries would be artificial. Finally, Poloff suggested that the paragraph that begins "Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the Israeli military operations..." would be difficult for the USG to accept due to its political nature. Gonzalez took note of this comment but observed that the United States could become increasingly isolated on human rights issues in multilateral foras if we could not find a way to negotiate a version of this text.

¶4. 2 November 2009 - DRAFT - Follow-up of the Report of the United Nations Fact Finding Mission on the Gaza Conflict (Goldstone Report)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the relevant rules and principles of international law, including international humanitarian and human rights law, particularly the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

Recalling also the Universal Declaration of Human Rights and the other human rights covenants, including the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child,

MEXICO 00003161 002.2 OF 003

Recalling its relevant resolutions, including resolution ES-10/18 of 16 January 2009 of its tenth emergency special session,

Recalling also the relevant Security Council resolutions, including resolution 1860 (2009) of 8 January 2009,

Recalling the relevant resolutions of the Human Rights Council, including resolution S-12/1 of 16 October 2009,

Expressing its appreciation to the &United Nations Fact Finding Mission on the Gaza Conflict& led by Justice Richard Goldstone for their comprehensive report,

Affirming the obligation of all parties to respect international humanitarian law and international human rights law,

Emphasizing the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict,

Gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the Israeli military operations in the Gaza Strip that were launched on 27 December 2008, including the findings of the &United Nations Fact Finding Mission on the Gaza Conflict& and the Secretary-General's Board of Inquiry,

Condemning all targeting of civilians and civilian infrastructure and institutions, including United Nations facilities,

Stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law for preventing impunity, ensuring justice, deterring further violations and promoting peace,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of a comprehensive, just and lasting peace and stability in the Middle East,

¶11. Takes note of the report of the Human Rights Council on its Twelfth Special Session of 15-16 October 2009;

¶12. Requests the Secretary-General to transmit the report of the &United Nations Fact Finding Mission on the Gaza Conflict⁸ to the Security Council;

¶13. Calls upon the Government of Israel to take all appropriate steps, within a period of three months, to undertake investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the &United Nations Fact Finding Mission on the Gaza Conflict⁸ towards ensuring accountability and justice;

¶14. Urges, in line with the recommendation of the &United Nations Fact Finding Mission on the Gaza Conflict⁸, the undertaking of investigations that are independent, credible and in conformity with international standards, within a period of three months, by the Palestinian side into the serious violations of international humanitarian and international human rights law reported by the &United Nations Fact Finding Mission on the Gaza Conflict⁸ towards ensuring accountability and justice;

¶15. Recommends to the Government of Switzerland, in its capacity as depositary of the Fourth Geneva Convention, to undertake the necessary steps as soon as possible to reconvene a Conference of the High Contracting Parties to the Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem,

MEXICO 00003161 003.2 OF 003

and to ensure its respect in accordance with common article 1;

¶16. Requests the Secretary-General to report to the General Assembly, within a period of three months, on the implementation of the present resolution, with a view to considering further action, if necessary, by the relevant United Nations organs and bodies, including by the Security Council;

¶17. Decides to remain seized of the matter.

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